

REMARKS

This application has been reviewed in light of the Office Action dated September 3, 2003. Claims 1-48 are pending in this application. Non-elected Claims 49-108 have been cancelled, without prejudice or disclaimer of subject matter. Claims 1-48 have been amended as to matters of form only and those amendments do not narrow the scope of any of those claims. Claims 1, 14, 24, and 33 are in independent form. Favorable reconsideration is requested.

The Office Action suggested that Applicants use the preferred layout of a specification as provided in 37 C.F.R. § 1.77(b). Applicants have amended the specification, as shown above, to include appropriate section headings and to provide a new Abstract.

The Office Action rejected Claims 1-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,307,840 (Wheatley, III et al.) in view of U.S. Patent No. 5,267,261 (Blakeney, II et al.). Applicants respectfully traverse this rejection.

Applicants submit that independent Claims 1, 14, 24, and 33, together with the remaining claims dependent thereon, are patentably distinct from the proposed combination of the cited prior art at least for the following reasons.

The aspect of the present invention set forth in Claim 1 is a method of communicating between communication stations adapted to communicate with each other when at least one of the communication stations supplies a synchronisation signal, the station then functioning in base station mode and the stations not supplying a synchronisation signal but synchronising on a synchronisation signal sent by a station functioning in base station mode then functioning in mobile station mode. The method includes a request operation during which a first base station transmits, to a mobile station,

a request for the storage in memory and transmission, by the mobile station, of a message to a communication station for which the message is intended and which is not synchronised with the first base station.

Among the notable features of Claim 1 are that the base stations are not synchronized together. In addition, the request of handoff is not performed by a mobile station as a result of its own decision, but after reception of a request from the base station. Moreover, in accordance with an aspect to which Claim 1 relates, the purpose of the base station handoff is to transmit a message (*“a request for the storage in memory and transmission, by the mobile station, of a message to a communication station for which the message is intended”*), which message is for a mobile station that is not currently synchronized with this base station (*“and which is not synchronized with the first base station”*).

Wheatley, III et al. relates to a mobile station assisted timing synchronization in a CDMA communication system. Blakeney, II et al. relates to a mobile station assisted soft handoff in a CDMA cellular communications system. Both references describe methods to perform a software handoff based on quality measurement of the base stations pilot signals. Such methods, however, apply to a system where the base stations are synchronized together. As mentioned above, the base stations as recited in Claim 1 are not synchronized together. In addition, in both of these references, a mobile station will make a decision to perform a software handoff by itself, and not upon request of a base station as recited in Claim 1.

Applicants also note that, in Blakeney, II et al., the specification at column 5, lines 40 and 41, states that “. . . the call can be provided through the various base stations as signal strength dictates.” Applicants submit that the message to be transmitted

to another communication station according to the invention as recited in Claim 1 is patentably distinct from "*the call [that] can be provided through the various base stations*" (emphasis added) to the mobile station, referred to by Blakeney, II et al.. The attached drawing is submitted herewith to illustrate the differences between the configuration of the communication method recited in Claim 1 and the situation described in the cited prior art references.¹ In the drawing, BS1, BS2 designate two base stations and MS3, MS4 designate two mobile stations. PSTN designates the Public Switched Telephone Network. As shown in the drawing labeled "The invention", the two base stations are not linked. If a call is sent through BS1 to MS4, it is not possible to use the same means as in Blakeney, II et al. to transmit the call. The method of the invention (Claim 1) can solve the problem by asking MS3 to contact MS4 via BS2. On the other hand, Blakeney, II et al. provides that if a call is received from MS4, it can be transmitted either through BS1 or through BS2, depending on signal strength determination.

Applicants submit that, at least for the reasons discussed above, the proposed combination of Wheatley, III et al. and Blakeney, II et al., assuming such combination would even be permissible, would still fail to teach or suggest a method of communicating between communication stations where the base stations are not synchronized together, wherein the method has features as recited in Claim 1. Accordingly, Applicants submit that Claim 1 is patentable over these two patents, taken separately or in any proper combination.

^{1/}Applicants submit this drawing to explain the aspects of the present invention as recited in Claim 1 as compared to the cited prior art references. This drawing is not intended to replace, or make changes to, any drawings on file in this application.

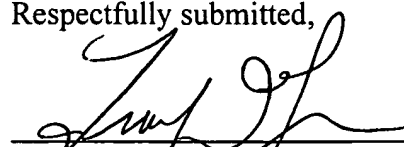
Independent Claims 14, 24, and 33 include the same feature of communicating between communication stations where the base stations are not synchronized together, as discussed above in connection with Claim 1. Accordingly, Claims 14, 24, and 33 are believed to be patentable over the above references, whether taken alone or in combination, for at least the same reasons as discussed above in connection with Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicants

Registration No. 92426

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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